

1                   IN THE UNITED STATES DISTRICT COURT FOR THE  
2                   NORTHERN DISTRICT OF OKLAHOMA  
3  
4

5       W. A. DREW EDMONDSON, in his )  
6       capacity as ATTORNEY GENERAL )  
7       OF THE STATE OF OKLAHOMA and )  
8       OKLAHOMA SECRETARY OF THE )  
9       ENVIRONMENT C. MILES TOLBERT,) )  
10      in his capacity as the )  
11      TRUSTEE FOR NATURAL RESOURCES )  
12      FOR THE STATE OF OKLAHOMA, )  
13   )

14                               Plaintiff, )  
15   )

16      vs. )

17                               ) 4:05-CV-00329-TCK-SAJ  
18   )

19      TYSON FOODS, INC., et al, )  
20   )

21                               Defendants. )  
22      - - - - -  
23  
24  
25

26                               THE VIDEOTAPED DEPOSITION OF  
27      DAN HENDERSON, produced as a witness on behalf of  
28      the Plaintiff in the above styled and numbered  
29      cause, taken on the 5th day of June, 2008, in the  
30      City of Tulsa, County of Tulsa, State of Oklahoma,  
31      before me, Lisa A. Steinmeyer, a Certified Shorthand  
32      Reporter, duly certified under and by virtue of the  
33      laws of the State of Oklahoma.

1     **A**       That would be a possible option.

2     **Q**       Okay.  Were -- the City of Tulsa case was  
3     actually settled after you left, was it not?

4     **A**       The case was actually brought and settled  
5     after I left I think.  I don't think we were in a                   10:40AM  
6     lawsuit whenever I left.

7     **Q**       Exhibit 5, Mr. Henderson, I've handed you  
8     what's been marked as Henderson Deposition Exhibit  
9     No. 5.  This is Bates number Pigeon dot 0612, and  
10    the first page of it is poultry water quality                   10:40AM  
11    handbook with the Peterson Farms logo on it.  Do you  
12    see it?

13    **A**       Yes, sir.

14               MS. LONGWELL:  Louis, I'm sorry to  
15    interrupt, but there appears to be another document               10:41AM  
16    attached to the very back, a contract.  That has a  
17    different Bates sequence, at least on my copy.

18               MR. BULLOCK:  Yeah, that is correct.  We  
19    should detach that, the broiler growing contract.  
20    It has a whole other exhibit sticker from another               10:41AM  
21    deposition on it.  Let's detach the one from Mr.  
22    Henderson's.

23    **Q**       If you'll hand it to me --

24    **A**       I took it off and handed it to him.

25    **Q**       Okay, good.  The second page of Henderson 5 is           10:41AM

1 a letter from you; correct?

2 A Yes, sir.

3 Q Do you recall sending this out?

4 A Not particularly, no, sir.

5 Q Okay. Do you recall seeing the poultry water 10:41AM  
6 quality handbook?

7 A I vaguely remember it.

8 Q Okay. Before you sent it to your growers, did  
9 somebody in the company review it?

10 MS. LONGWELL: Object to form. 10:42AM

11 A I assume Ron Mullikin did but I couldn't swear  
12 to that.

13 Q Okay. Did you review it?

14 A I probably gave it a very brief review as  
15 thick as it is. 10:42AM

16 Q Well, when -- in your letter in the second  
17 paragraph you write, Peterson Farms feels that it's  
18 important to provide you with the most up-to-date  
19 information on water quality, information that will  
20 serve as a tool in managing your poultry 10:42AM  
21 operations -- operation. When you wrote that, you  
22 were referring to this water quality manual as being  
23 the most up-to-date information; correct?

24 A Yes.

25 Q During your term at Peterson, did -- was it 10:43AM

1 ever brought to your attention that the poultry  
2 water quality handbook information that you sent to  
3 the growers was inaccurate in any way?

4 **A** No.

5 **Q** Did you ever have an occasion to tell the 10:43AM  
6 growers collectively or individually that they  
7 should disregard any of this information?

8 **A** Not that I recall.

9 **Q** And when you wrote in your -- in the last  
10 paragraph, use it as a resource for making the right 10:43AM  
11 choices and following the right management practices  
12 in your operation, you were sincere in making that  
13 recommendation, weren't you?

14 **A** Yes, sir.

15 **Q** That paragraph goes on and says, Peterson 10:44AM  
16 Farms will continue to provide you with the most  
17 up-to-date information available. Did -- while you  
18 were COO, was there any other information that was  
19 sent out to the growers to further inform them  
20 concerning these issues? 10:44AM

21 MS. LONGWELL: Object to form.

22 **A** Not that I recall. I don't know. I just  
23 don't recall.

24 **Q** You did expect your growers to use this as a  
25 resource, though, in managing their farms? 10:45AM

1       **A**       Yes.

2       **Q**       And you -- this was actually a document that  
3       was assembled by the water quality consortium; is  
4       that correct?

5       **A**       That's what my letter says. I don't recall                   10:45AM  
6       that organization to tell you the truth.

7       **Q**       Well, and -- but you went ahead or the company  
8       went ahead and put their logo on this document;  
9       right?

10      **A**       Yes, sir.   10:45AM

11      **Q**       And you, of course, wrote the letter that's  
12      the second page and precedes the information in the  
13      document?

14      **A**       Yes.

15      **Q**       And that was to ensure that the growers                   10:45AM  
16      understood that this was the word of Peterson?

17               MS. LONGWELL: Object to form.

18      **Q**       Is that correct?

19      **A**       Well, it was a guidebook developed by this  
20      group.   10:46AM

21      **Q**       That Peterson endorsed?

22      **A**       Endorsed for best management practices, yes.

23      **Q**       You signed this as president of Peterson  
24      Farms. In doing something like this, would you have  
25      had to consult with Mr. Evans?                                       10:46AM

1       **A**       Yes.

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4       that correct?

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